

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-230 (GMS)
)	
APOTEX, INC.,)	
)	
Defendant.)	
_____)	

STIPULATION AND [PROPOSED] ORDER

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that the date by which Plaintiff Merck & Co., Inc. may file and serve its answering brief in opposition to Defendant Apotex, Inc.'s Motion for Leave to Substitute Corrected Exhibits to its Pending Motion for Leave (D.I. 36) is extended to November 22, 2006 and the date by which Apotex, Inc. may file and serve its reply brief in support of its Motion is extended to December 1, 2006.

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/s/ Mary B. Graham

/s/ Richard L. Horwitz

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Attorneys for Defendant Apotex, Inc.

Dated: November 15, 2006

SO ORDERED this ____ day of November, 2006.

UNITED STATES DISTRICT JUDGE

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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November 15, 2006

VIA E-FILING

The Honorable Gregory M. Sleet
United States District Court
Federal Building
844 North King Street
Wilmington, DE 19801

Re: *Merck & Co., Inc. v. Apotex, Inc.*
C.A. No. 06-230

Dear Judge Sleet:

Enclosed for the Court's consideration is a stipulation that would extend by two days Merck's time to respond to Defendant Apotex, Inc.'s Motion for Leave to Substitute Corrected Exhibits to its Pending Motion for Leave (D.I. 36) from November 20 to 22, and Apotex's time to respond to December 1. Merck has requested this extension, to which Apotex has agreed (with Merck's agreement to a similar extension for Apotex's reply brief), because of counsel's schedule when Merck's brief is due. We have not asked for a previous extension on this motion.

We appreciate the Court's consideration of this extension.

Respectfully,

/s/ Mary B. Graham

Mary B. Graham (#2256)

MBG/dam
Enclosure

cc: Louise Walsh, Esquire (via e-mail)
Richard L. Horwitz, Esquire (via e-mail)
Nicolas G. Barzoukas, Esquire (via e-mail)
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